

Remarks

The Examiner has required election of a single disclosed invention for prosecution on the merits in this case. The Examiner alleged the existence of three patentably distinct inventions:

- Group I. Claims 1-18, drawn to an edible, chewable, soft gelatin capsule, comprising a capsule shell formed from a capsule film comprising: gelatin, hydroxypropylated starch, glycerol and water, classified in class 424, subclass 451;
- Group II. Claim 19, drawn to a process for making an edible compound for forming capsules comprising various steps, classified in class 424, subclass 441 and 451; and
- Group III. Claims 20-41, drawn to a rotary die encapsulation process comprising steps of casting at a first and second predetermined speed a continuous first and second gelatin ribbon to form gel pockets and injection fill material into the gel pockets to produce freshly formed gelatin capsules, classified in class 424, subclass 463.

Applicants hereby elect Group I, claims 1-18, drawn to an edible, chewable, soft gelatin capsule, comprising a capsule shell formed from a capsule film comprising: gelatin, hydroxypropylated starch, glycerol and water, classified in class 424, subclass 451.

The Examiner also required a species election for each of the following categories A-B:

- A. One of the following plasticizers:
- i. Glycerin as recited in Claim 3; and

- ii. Sorbitol as recited in Claim 4.
- B. One of the following gelatins:
- i. Bovine gelatin as recited in Claim 9;
 - ii. A combination of fish and bovine gelatins as recited in Claim 10; and
 - iii. A combination of a plurality of fish gelatins as recited in Claim 11.

Applicants hereby elect the species wherein the plasticizer is glycerin (A.i.) as set forth in claim 3 and wherein the gelatin is a combination of fish and bovine gelatins (B.ii.) as set forth in claim 10. Claims 1-3, 6-8, 10, 12-18 read on the elected species. This election is made with traverse. Specifically, Applicants note that the contemporaneous consideration of bovine gelatin alone or a combination of a plurality of fish gelatins as the gelatin component would not impose any undue burden on the Examiner, given Applicants' election of the combination of fish and bovine gelatins. Accordingly, Applicants respectfully request favorable consideration of the both the elected and non-elected B species.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

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FCHS_WS 1616230v1